

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Melvin Marinkovic

v.

Case No. 19-cv-1150-PB

Michael Osborne, et al

ORDER

I approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated April 23, 2020 largely for the reasons stated therein. I agree with the Magistrate Judge's conclusion that the plaintiff's federal claims fail because the complaint does not allege a plausible basis for the plaintiff's contention that the defendants should be treated as governmental actors. I also agree with the Magistrate Judge's conclusions that the court lacks federal question jurisdiction over the plaintiff's state law claims and that the court should decline to exercise supplemental jurisdiction over those claims. I only add that the complaint also does not assert a basis for exercising diversity jurisdiction over the state law claims. The plaintiff's federal claims are dismissed with prejudice and the state law claims are dismissed without prejudice to the plaintiff's right to refile his claims in state court.

The clerk of court is directed to enter judgment and close the case.

/s/ Paul Barbadoro

Paul Barbadoro
United States District Judge

Date: November 4, 2020

cc: Melvin Marinkovic, pro se